



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/530,435

09/28/2005

Cyril David Veillat

4662-9

5278

23117

7590

08/18/2008

NIXON & VANDERHYE, PC

901 NORTH GLEBE ROAD, 11TH FLOOR

ARLINGTON, VA 22203

EXAMINER

COLE, ELIZABETH M

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

08/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,435

Applicant(s)

VEILLAT ET AL.

Examiner

Elizabeth M. Cole

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/16/08 has been entered.

2. New claim 10-15 are drawn to the non-elected invention. They should be designated with the status identifier "withdrawn". The restriction is maintained for the reasons of record. Rejoinder will be considered once allowable subject matter is indicated.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook, U.S. Patent No. 6,148,597 in view of WO 91/14029. Cook teaches a method of manufacturing a polyolefin fishing line which corresponds to the claimed monofilament like product comprising the steps of providing a plurality of polyolefin fibers, exposing the fibers to heat at a temperature above the melting point of the polyolefin, and drawing the heated plurality of fibers. See col. 3, lines 33-50; col. 4, lines 8-16. The plurality of polyolefin filaments can be joined together by plying or

braiding before the heating and drawing step. See examples. The product exhibits monofilament-like properties. See col. 3, lines 23-27. The plurality of filaments can be further treated with polyurethanes and oils either before or after processing. See col. 4, line 59 – col. 5, line 21. With regard to the limitation that the process takes place without partial melting, Cook teaches heating to cause at least partial fusion and applying tension to prevent melting, so Cook teaches fusion without partial melting. See col. 3, line 1 - col. 4, line 352. Cook differs from the claimed invention because it does not disclose that the polyolefin fibers are staple fibers. WO '029 teaches that yarns can be made from staple fibers of ultra high molecular weight polyethylenes in addition to continuous filaments of ultra high molecular weight polyethylenes and that a benefit of using staple fibers to make the yarns is that it is less expensive because it permits the use of some fiber which would have been wasted. See page 3, lines 10-19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed staple fibers of ultra high molecular weight polyethylene rather than continuous filaments of ultra high molecular weight polyethylene as taught by Cook, in view of the teaching of WO '029 that both types of fibers were known to be suitable for fabrication into yarns and because WO '029 teaches that using staple fibers can make the yarns less expensive since it permits the use of some fibers which would have been wasted.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of WO '029 as applied to claims above, and further in view of JP 87015646. Cook does not disclose that the staple fibers are obtained by stretch-breaking a multifilament

yarn. JP '646 teaches that a known method of forming staple fibers was by stretch-breaking multifilament yarns. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the process of stretch breaking taught by JP '646 to form the staple fibers, in view of the teaching of JP '646 that this was a known method of obtaining staple fibers.

4. Applicant's arguments filed 6/16/08 have been fully considered but they are not persuasive. Applicant's argument that GB '432 does not necessarily even teach the use of polyolefins as the staple fibers, as well as the argument that GB '432 requires complete melting of the fibers is persuasive in view of the amendments to the claims. However, a new rejection is set forth above.

5. Applicant's arguments regarding the comparative example in the specification, (corresponding to the invention of Cook), as compared to the examples of the claimed invention have been carefully considered. However, it is not clear at this time that the fibers used to make the yarns in the comparative example in the specification correspond to the materials used in Cook in terms of the particular strands which make up the filament yarns as far as denier, dtex, etc. In other words, the comparative example in the instant specification uses a particular yarn which is made from particular filaments and it is not clear at this time whether this is the same as what is shown and used in Cook.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571)

272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

The examiner's supervisor Rena Dye may be reached at (571) 272-3186.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794

e.m.c